

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROOSEVELT KAIRY, ET AL.,

Plaintiffs,

No. C 08-02993 JSW

v.

SUPERSHUTTLE INTERNATIONAL, INC.,
ET AL.,

**NOTICE OF TENTATIVE
RULING AND QUESTIONS**

Defendants.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE
NOTICE OF THE FOLLOWING **TENTATIVE** RULING AND QUESTIONS FOR THE
HEARING SCHEDULED ON NOVEMBER 13, 2009 AT 9:00 A.M.:

The Court has reviewed the parties' papers and, thus, does not wish to hear the parties reargue matters addressed in those pleadings. If the parties intend to rely on authorities not cited in their briefs, they are ORDERED to notify the Court and opposing counsel of these authorities reasonably in advance of the hearing and to make copies available at the hearing. If the parties submit such additional authorities, they are ORDERED to submit the citations to the authorities only, with reference to pin cites and without argument or additional briefing. *Cf.* N.D. Civil Local Rule 7-3(d). The parties will be given the opportunity at oral argument to explain their reliance on such authority. The Court suggests that associates or of counsel attorneys who are working on this case be permitted to address some or all of the Court's questions contained herein.

1 The Court **tentatively GRANTS** Defendants' motion to dismiss California causes of
2 action for lack of subject matter jurisdiction.

3 The parties shall each have 20 minutes to address the following questions:

- 4 1. Should the Court grant Defendants' motion to dismiss the California causes of action,
5 does Plaintiff intend to proceed on the sole remaining Fair Labor Standards Act claim?
6 Do Defendants contend that the Rule 19 motion applies to the federal claim if that is the
7 only one remaining?
- 8 2. What is the status and relationship of the related case pending in the Southern District of
9 California, *Supershuttle v. Henning, et al.*?
- 10 3. Regardless of whether the parties are in fact necessary to the FLSA claim, does Plaintiff
11 oppose adding the four current City Licensees and the subdrivers to the suit?
- 12 4. Do the parties have anything further they wish to address?

13 **IT IS SO ORDERED.**

14 Dated: November 10, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE